

Translation

PATENT COOPERATION TREATY

REC'D 22 SEP 2005

WIPO

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

7/F, Xueyuan International Tower, No.1 Zhichun Road,
Haidian District, Beijing 100083, P.R.China
DEQI INTELLECTUAL PROPERTY LAW
CORPORATION
WANG Qi ; CHENG Dianjun

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43 *bis*.1)

Date of mailing

(day/month/year) 15 SEP 2005 (15 · 09 · 2005)

Applicant's or agent's file reference

DF0522118P

FOR FURTHER ACTION

see paragraph 2 below

International application No.

PCT/CN2005/000891

International filing date (day/month/year)

21. Jun 2005 (21. 06. 2005)

Priority date (day/month/year)

25. Jun 2004 (25. 06. 2004)

International Patent Classification (IPC) or both national classification and IPC

IPC⁷: H04L9/32, H04L12/46, H04Q7/38

Applicant

HUAWEI TECHNOLOGIES CO., LTD. ET AL

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CN
The State Intellectual Property Office, the
P.R.China 6 Xitucheng Rd., Jimen Bridge,
Haidian District, Beijing, China 100088
Facsimile No. 86-10-62019451

Date of completion of this opinion

23. Aug 2005 (23. 08. 2005)

Authorized officer

WANG Hongli

Telephone No. (86-10) 62084525

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2005/000891

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed
☐ filed together with the international application in electronic form
☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2005/000891

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims 1-17	YES
	Claims	NO
Inventive step (IS)	Claims 1-17	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-17	YES
	Claims	NO

2. Citations and explanations

Claim 1 and 14 disclose a method for managing the local terminal equipment (TE) to access the network.

The solution to this problem in Claim 1 and 14 of the present application is considered as involving an novelty and inventive step and complies with PCT article 33(2), (3) for the following reasons :

The documents cited in this International Search Report or the combination of them don't disclose the claimed method or give any indication that would lead a skilled person in the art to the claimed method:

US2004/0076128A1

EP1424617A1

KR2004049188A

Claims 2-13 are dependent on Claim 1 and claims 15-17 are dependent on Claim 14. They also meet the requirements of the PCT with respect to the novelty and inventive step.

Claims 1-17 comply with PCT article 33(4), having industrial applicability.

专利合作条约

REC'D 22 SEP 2005

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发信人: 国际检索单位

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王琦 程殿军

PCT

国际检索单位书面意见

(PCT 细则 43 之二 .1)

发文日(日/月/年)

15 · 9月 2005 (15 · 09 · 2005)

申请人或代理人的档案号

DF0522118P

后续行为

见下面第 2 段

国际申请号

PCT/CN2005/000891

国际申请日(日/月/年)

21.6 月 2005 (21.06.2005)

优先权日(日/月/年)

25.6 月 2004 (25.06.2004)

国际专利分类(IPC)或国家分类和 IPC 两种分类

IPC⁷: H04L9/32, H04L12/46, H04Q7/38

申请人

华为技术有限公司 等

1. 本意见包括关于下列各项的内容:

- ☒ I 意见的基础
- ☐ II 优先权
- ☐ III 不作出关于新颖性、创造性和工业实用性的意见
- ☐ IV 缺乏发明的单一性
- ☒ V 按照细则 43 之二.1(a)(i)关于新颖性、创造性或工业实用性的理由; 支持这种意见的引证和解释
- ☐ VI 引用的某些文件
- ☐ VII 国际申请中的某些缺陷
- ☐ VIII 对国际申请的某些意见

2. 后续行为

如果提出初步审查要求书, 本次意见将被视为国际初步审查单位(IPEA)的一次书面意见(如果申请人选择的国际初步审查单位非本机构, 而且所选国际初步审查单位已按照细则 66.1 之二(b)通知国际局将不考虑国际检索单位的书面意见时例外)。

如本书面意见被视为国际初步审查单位的书面意见, 则请申请人在自 PCT/ISA/220 发文之日起 3 个月或自优先权日起 22 个月内(以后届满者为准)向国际初步审查单位提交书面答复并提交修改(如适用),

3. 详细信息请见 PCT/ISA/220 表格的说明

中华人民共和国国家知识产权局

(ISA/CN)

中国北京市海淀区蓟门桥西土城路 6 号 100088

传真号: (86-10)62019451

完成本意见的日期

23.08 月 2005 (23.08.2005)

授权官员

王红丽

印红

电话号码: (86-10)62084525

I. 意见的基础

1、关于语言，制定书面意见基于：

☒ 申请提出时使用的语言。

☐ 该申请的____语言译文，为了国际检索的目的提供该种语言的译文(细则 12.3(a)和 23.1(b))。

2、关于国际申请中所公开的核苷酸和/或氨基酸序列表和对所称发明的必要性, 该书面意见是在下列基础上制定的：

a. 材料的类型

☐ 序列表

☐ 与序列表相关的表格

b. 材料的形式

☐ 纸件形式

☐ 电子形式

c. 提交/提供时间

☐ 包括于已提交的国际申请。

☐ 以电子形式与国际申请一起提交。

☐ 为检索之用随后提交本国际检索单位。

3、☐ 另外，在提交/提供了多个核苷酸和/或氨基酸序列表和/或与其相关的表格的版本或副本的情况下，提供了关于后提交的或附加的副本与已提交的国际申请中的序列表相同或未超出国际申请中序列表范围（如适用）的声明。

4. 补充意见

V. 按细则 43 之二.1 关于新颖性、创造性或工业实用性的理由：支持这种意见的引证和解释

1. 意见

新颖性(N)	权利要求 1-17	是
	权利要求	否
创造性(IS)	权利要求 1-17	是
	权利要求	否
工业实用性(IA)	权利要求 1-17	是
	权利要求	否

2. 引证和解释

独立权利要求 1 和 14 涉及一种管理本地终端设备接入网络的方法，而该检索报告中引用的对比文件：

US2004/0076128A1

EP1424617A1

KR2004049188A

并没有公开上述权利要求所请求保护的技术方案，并且其组合也没有给出任何能引导本领域普通技术人员得知上述权利要求技术方案的启示，因此，权利要求 1 和 14 公开的技术方案符合专利合作条约第 33 条第（2）、（3）款有关新颖性和创造性的规定。

从而，从属权利要求 2-13、15-17 也都符合专利合作条约有关新颖性和创造性的规定。

权利要求 1—17 满足专利合作条约第 33 条第（4）款有关实用性的规定。